

AN ACT

relating to certain procedures relating to children placed under a parental child safety placement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 264.017, Family Code, is amended by adding Subsection (f) to read as follows:

(f) In addition to the other reports required by this section, the department shall publish a monthly report containing the following information for the preceding month with respect to parental child safety placement agreements:

(1) the number of children placed under a parental child safety placement agreement;

(2) the average duration of a placement under a parental child safety placement agreement;

(3) the average duration of a placement under a parental child safety placement agreement during an investigation;
and

(4) the percentage of children removed from a placement under a parental child safety placement agreement and placed in the managing conservatorship of the department.

SECTION 2. Subchapter C, Chapter 264, Family Code, is amended by adding Section 264.2032 to read as follows:

Sec. 264.2032. REPORT ON COURT-ORDERED PARTICIPATION IN SERVICES. The department shall report the number of cases in which

1 a court under Section 264.203 orders the following persons with
2 respect to a child who is placed with a caregiver under a parental
3 child safety placement under Subchapter L to participate in
4 services:

- 5 (1) the child's parent;
- 6 (2) the child's managing conservator;
- 7 (3) the child's guardian; or
- 8 (4) another member of the child's household.

9 SECTION 3. Section 264.901, Family Code, is amended by
10 amending Subdivision (2) to read as follows:

11 (2) "Parental child safety placement" means any [~~a~~]
12 temporary out-of-home placement of a child with a caregiver that is
13 made by a parent or other person with whom the child resides in
14 accordance with a written agreement approved by the department that
15 ensures the safety of the child:

16 (A) during an investigation by the department of
17 alleged abuse or neglect of the child; or

18 (B) while the parent or other person is receiving
19 services from the department.

20 SECTION 4. Section 264.902, Family Code, is amended by
21 amending Subsection (a) and adding Subsections (e), (f), (g), (h),
22 (i), and (j) to read as follows:

23 (a) A parental child safety placement agreement must
24 include terms that clearly state:

25 (1) the respective duties of the person making the
26 placement and the caregiver, including a plan for how the caregiver
27 will access necessary medical treatment for the child and the

1 caregiver's duty to ensure that a school-age child is enrolled in
2 and attending school;

3 (2) conditions under which the person placing the
4 child may have access to the child, including how often the person
5 may visit and the circumstances under which the person's visit may
6 occur;

7 (3) the duties of the department;

8 (4) subject to Subsection (f), the date on which the
9 agreement will terminate unless terminated sooner or extended to a
10 subsequent date as provided under department policy; and

11 (5) any other term the department determines necessary
12 for the safety and welfare of the child.

13 (e) Before a parent or other person making a parental child
14 safety placement and the caregiver enter into a parental child
15 safety placement agreement, the department shall notify each person
16 of the person's right to consult with an attorney and provide the
17 person with a reasonable time in which to do so.

18 (f) An initial parental child safety placement agreement
19 automatically terminates on the earlier of the 30th day after the
20 date:

21 (1) the agreement is signed; or

22 (2) the child is placed with the caregiver.

23 (g) On the expiration of a parental child safety placement
24 agreement, the department may for good cause enter into not more
25 than two additional parental child safety placement agreements for
26 the child. On entering an additional parental child safety
27 placement agreement under this subsection, the department shall:

1 (1) reevaluate the terms and conditions of the
2 original agreement; and

3 (2) notify the parents of their right to:
4 (A) refuse to enter into the agreement; and
5 (B) be represented by an attorney or a
6 court-appointed attorney if:

7 (i) the parent is indigent; and
8 (ii) the department subsequently seeks a
9 court order to require the parents to participate in services.

10 (h) An additional parental child safety placement agreement
11 described by Subsection (g) automatically terminates on the 30th
12 day after the date the agreement is signed.

13 (i) Notwithstanding Subsections (g) and (h), the department
14 may not place a child outside of the child's home under a parental
15 child safety placement for longer than 90 calendar days unless the
16 parental child safety placement agreement is signed by both the
17 parent and the parent's attorney or a court otherwise renders an
18 order regarding the placement under Chapter 262. This subsection
19 may not be construed to affect the duration of an agreement between
20 the department and the parent other than a parental child safety
21 placement agreement.

22 (j) A parental child safety placement agreement must
23 include the following language: "THIS AGREEMENT IS ENTIRELY
24 VOLUNTARY. THE AGREEMENT MAY NOT LAST LONGER THAN 30 DAYS. THE
25 AGREEMENT MAY BE RENEWED NOT MORE THAN TWO TIMES AND FOR NOT MORE
26 THAN 30 DAYS EACH TIME. A CHILD MAY NOT BE PLACED OUTSIDE OF THE
27 CHILD'S HOME FOR LONGER THAN A TOTAL OF 90 CALENDAR DAYS WITHOUT A

1 SIGNED AGREEMENT BY THE CHILD'S PARENT AND THE PARENT'S ATTORNEY OR
2 A COURT ORDER RENDERED UNDER CHAPTER 262."

3 SECTION 5. Subchapter L, Chapter 264, Family Code, is
4 amended by adding Section 264.907 to read as follows:

5 Sec. 264.907. INCLUSIONS IN REPORTS OF PARENTAL CHILD
6 SAFETY PLACEMENTS. The department shall, where appropriate:

7 (1) include children who are placed with a caregiver
8 under a parental child safety placement agreement in any report,
9 including reports submitted to the United States Department of
10 Health and Human Services or another federal agency, in which the
11 department is required to report the number of children in the child
12 protective services system who are removed from the children's
13 homes; and

14 (2) report the information described by Subdivision
15 (1) separately from information regarding the number of children
16 removed under a suit filed under Section 262.101 or 262.105.

17 SECTION 6. Section 264.902, Family Code, as amended by this
18 Act, applies only to a parental child safety placement agreement
19 executed on or after the effective date of this Act. A parental
20 child safety placement agreement executed before the effective date
21 of this Act is governed by the law in effect on the date the
22 agreement was executed, and the former law is continued in effect
23 for that purpose.

24 SECTION 7. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 614 passed the Senate on April 6, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 22, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 614 passed the House, with amendment, on May 18, 2023, by the following vote: Yeas 145, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor